

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

(1) JEANNE BENNETT, Administrator)
of the Estate of Michael Manos,)
Deceased,)
)
Plaintiff,)
)
v.)
)
(1) CARTER COUNTY SHERIFF)
IN HIS OFFICIAL CAPACITY)
)
Defendant.)

Case No. CIV-17-289-SPS

DEFENDANT'S REQUESTED JURY INSTRUCTIONS SET #2

The Defendant in the above-styled case requests that the Court issue the following Jury Instructions at the trial of this case presently set for August 20, 2019, in addition to the Agreed Instructions filed at Doc. 254 and Defendant's Requested Instructions filed at Doc. 262. The following Jury Instructions are presumably opposed by Plaintiff.

Respectfully submitted,

s/ Ambre C. Gooch
Ambre C. Gooch, OBA No. 16586
COLLINS, ZORN, & WAGNER, P.C.
429 N.E. 50th Street, Second Floor
Oklahoma City, OK 73105-1815
Telephone: (405) 524-2070
Facsimile: (405) 524-2078
E-mail: acg@czwlaw.com

ATTORNEY FOR DEFENDANT CHRIS
BRYANT SHERIFF OF CARTER
COUNTY IN HIS OFFICIAL CAPACITY

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2019, I electronically transmitted Defendant's Requested Jury Instructions Set #2 to the following ECF registrants:

Daniel E. Smolen, via electronic mail at: danielsmolen@ssrok.com

Robert M. Blakemore, via electronic mail at: bobblakemore@ssrok.com

Bryon D. Helm, via electronic mail at: byronhelm@ssrok.com

SMOLEN, SMOLEN & ROYTMAN, PLLC

701 South Cincinnati Avenue

Tulsa, OK 74119

Attorneys for Plaintiff

s/ Ambre C. Gooch

Ambre C. Gooch

DEFENDANT'S REQUESTED JURY INSTRUCTION NO. 40
42 U.S.C. § 1983 – MUNICIPAL LIABILITY – POST-EVENT INCIDENTS

You may hear evidence that, after Manos's death in this case, another inmate at the Carter County Jail died under similar circumstances as Manos. You are instructed that you cannot consider evidence of this other death or of the medical care provided to inmates in the Carter County Jail after Manos died, in determining whether the Carter County Sheriff's Office had a policy, practice, or custom of denying medical care to inmates at the time of Manos's death or in determining whether the Carter County Sheriff's Office was deliberately indifferent with regard to the training and supervision of jail employees at the time of Manos's death.

AUTHORITY: *Waller v. City and County of Denver*, ___ F.3d ___, 2019 WL 3543115 at *5-*9 (10th Cir. 2019)

Connick v. Thompson, 563 U.S. 51, 62, 131 S.Ct. 1350 (2011)

Bd. of Cty. Comm'rs v. Brown, 520 U.S. 397, 404, 117 S.Ct. 1382 (1997)

Cordova v. Aragon, 596 F.3d 1183, 1194 (10th Cir. 2009)

DEFENDANT'S REQUESTED JURY INSTRUCTION NO. 41
42 U.S.C. § 1983 – MUNICIPAL LIABILITY-SUBSEQUENT POLICY CHANGE

You may hear evidence that, after taking office in December 2016, the current Sheriff of Carter County made changes in the personnel and in the policies, procedures, or practices of the Carter County Jail. You are instructed that you cannot consider these changes in determining whether the Carter County Sheriff's Office had a policy, practice, or custom of denying medical care to inmates at the time of Manos's death or in determining whether the Carter County Sheriff's Office was deliberately indifferent with regard to the training and supervision of jail employees at the time of Manos's death.

AUTHORITY: *Waller v. City and County of Denver*, ___ F.3d ___, 2019 WL 3543115 at *5-*9 (10th Cir. 2019)

Connick v. Thompson, 563 U.S. 51, 62, 131 S.Ct. 1350 (2011)

Bd. of Cty. Comm'rs v. Brown, 520 U.S. 397, 404, 117 S.Ct. 1382 (1997)

Cordova v. Aragon, 596 F.3d 1183, 1194 (10th Cir. 2009)

Stahl v. Bd. of County Com'rs of the Unified Government of Wyandotte County/Kansas City, Kan., 101 Fed. Appx. 316, 321-22, 2004 WL 1280831 (10th Cir. 2004)

 Fed. R. Evid. 407